

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JULIO CESAR MENDOZA CHAVEZ,	)	
Plaintiff	)	
	)	
V.	)	
	)	CIVIL ACTION NO.05-11379 MLW
	)	
MICHAEL CHERTOFF, as Secretary of the	)	
Department Homeland Security; BRUCE	)	MOTION FOR DECISION
CHADBOURNE, Field Director for Detention	)	REGARDING DETENTION
and Removal, New England Field Office,	)	AND FOR EXPEDITED HEARING
United States Immigration and Customs	)	
Enforcement; ANDREA J. CABRAL, Suffolk	)	
County Sheriff; GERARD HORGAN, Superin-	)	
tendent, Suffolk County House of Corrections;	)	
MICHAEL GARCIA, Assistant Secretary,	)	
United States Immigration and Customs	)	
Enforcement; and ALBERTO GONZALES,	)	
Attorney General of the United States	)	
Defendants	)	

Plaintiff Julio Cesar Mendoza Chavez, through his attorney, Vard R. Johnson, shows the Court that Plaintiff filed with the Immigration Court on August 23, 2005 in New York City a Motion for the Immigration Court to reopen the proceedings that had resulted in the deportation orders which Defendants assert as their authority for the detention of the Plaintiff.. On September 21, 2005 the Immigration Court in New York City reopened the proceedings. Attached is a copy of the order to reopen.

With the reopening of the proceedings before the Immigration Court, there are no final orders of deportation. Defendants lack authority to continue Plaintiff in detention pursuant to any purported final order of deportation.

Defendants have held Plaintiff in detention since June 14, 2005. Plaintiff requests an immediate determination of the continuing authority of Defendants to hold Plaintiff in detention and an expedited hearing on this Motion.

Julio Cesar Mendoza Chavez, Plaintiff

By /s/ Vard R. Johnson  
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Certificate of Compliance

I certify that on September 22, 2005 I contacted counsel for the Defendants regarding the relief sought by way of this Motion.

/s/ Vard R. Johnson  
Vard R. Johnson, Plaintiff's Attorney

**U.S. DEPARTMENT OF JUSTICE**  
Executive Office for Immigration Review  
Office of the Immigration Judge

In the Matter of:

Mendoza - Chavez, Julio Cesar

RESPONDENT/APPLICANT

Case No.: A 22 555 807

Docket: Deportation NYC

IN Deportation PROCEEDINGS

**ORDER OF THE IMMIGRATION JUDGE**

Upon consideration of respondent's/applicant's



Motion to Reconsider an Immigration Judge's decision



Motion to Reopen proceedings

filed in the above entitled matter, it is **HEREBY ORDERED** that the motion



be granted.



be denied for the reasons indicated in the attached decision.



Immigration Judge

Date: 9-20-05

